HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 23981 OF 2004

Dated 10th August, 2006

Between:
Duvvela Pushpalatha D/o D.Butchaiah

… Petitioner

And

The Central Board of Secondary Education
represented by its Secretary,
Regional Office New No.3, Plot No.1630-A,
J-Block, Anna Nagar (West), Chennai-600 040,
Tamil Nadu and another.

… Respondents.

ORAL ORDER:

Though W.P.M.P. No.31417 of 2004 is listed, but, at the request of learned counsel for parties, the writ petition itself is heard and is being disposed of.

This writ petition is filed seeking directions by way of mandamus to declare the action of the respondents in not correcting the surname of the petitioner in Secondary School Examination Certificate conducted by the Central Board of Secondary Education.

It is the case of the petitioner that she studied from L.K.G. to X Class in Madonna Public School, Moulali, Hyderabad and appeared for Secondary School examination in the month of March, 1994. But, her surname was wrongly mentioned in the Secondary School Examination Certificate issued by the first respondent-Board as 'Dorala' instead of 'Duvvela'. The petitioner has applied for correction. But, the first respondent-Board through their Regional Office has issued proceedings dated 9.2.2004 asking the petitioner to comply various conditions to consider her request. The petitioner was asked to submit duly filled in proforma signed by the Principal of the previous school i.e. the school in which the candidate appeared for Board examinations, attested photocopy of Transfer Certificate issued by previous school, photocopy of the portion of the page of Admission & withdrawal register of the school and attested photocopy of the admission form submitted by the parent at the time of admission in the school. Even before the impugned memo dated 9.2.2004 was issued, a representation was submitted by the petitioner on 7.1.2004 stating that the school where the

petitioner studied is not functioning, and, to prove the surname, the petitioner had produced certain documents including the Transfer Certificate of the father of the petitioner. It is the case of the petitioner that in spite of such a representation on 7.1.2004, without considering the same, the respondents have issued Memo dated 9.2.2004. It is the grievance of the petitioner that as much as the school itself was closed and not functioning, it is not possible to comply the conditions as mentioned in the proceedings dated 9.2.2004.

Counter affidavit is filed by the respondents stating that the petitioner with Roll No.4126508/1993 and Roll No.4101891/1994 had applied for correction of her surname, but, in view of the provisions contained in Examination Bye-laws, 1990, she was asked to comply with certain requirements as contemplated in clause 69.1(ii) of the said bye-laws.

In normal course, it is correct on the part of the respondents to seek compliance of such conditions. But, in this case, even before the impugned memo was issued, the petitioner herself has represented stating that she is unable to comply the requirements as much as the school itself is not functioning. In spite of such a representation being made, respondents have issued the impugned proceedings. As much as the identify of the petitioner is not in dispute and the petitioner also has filed certain documents including the Transfer Certificate of her father, on which basis, she is seeking correction of her surname, I deem it appropriate to dispose of the writ petition permitting the petitioner to make fresh representation to the respondents enclosing the documents in support of her claim that her surname is ‘Duvvela’ and not ‘Dorala’. If such a representation is made by the petitioner with supporting material, the respondents shall consider the same for change of her surname in the certificate issued by them without insisting for the

requirements as indicated in the proceedings dated 9.2.2004, but, however, subject to satisfying on the material submitted by the petitioner in proof of her claim for change of surname, and pass appropriate orders and communicate the same to the petitioner within a period of two months from the date of receipt of such an application. The petitioner is at liberty to enclose all the documents and material available with her for change of her surname.

Subject to above direction, the writ petition is disposed of. No costs.

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10.8.2006 **(R.SUBHASH REDDY, J.)**

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